

PUBLIC SERVICE COMMISSION OF WISCONSIN

Wisconsin Electric Power Co and Wisconsin Gas LLC Conservation
Activities and Voluntary Utility Programs for 2019

5-EE-2019

FINAL DECISION

This is the Final Decision in the June 29, 2018, application by Wisconsin Electric Power Company and Wisconsin Gas LLC (together known as We Energies) for approval to operate a voluntary energy efficiency program in 2019-2020. At its open meeting of September 6, 2018, the Commission considered We Energies' application.

The application is APPROVED, subject to the modifications described in this Final Decision.

Introduction

We Energies proposed a new voluntary program to support Focus on Energy's (Focus), the Design Assistance Program (DAP), which supports energy efficiency in new construction and large-scale remodeling projects, by providing modeling that can identify and prioritize efficiency opportunities in project design, and financial incentives for the installation of efficient technologies during construction. We Energies' DAP program would provide for additional availability of design assistance to their customers, should the customer demand exceed the allocated Focus budget. We Energies would provide this support in anticipation that a significant number of its customers in its territory may be pursuing new construction and renovation projects in the coming years, and that the current DAP may not be able to meet the full customer demand in We Energies' territory due to its finite Focus budget, and the fact that

advance DAP incentive commitments may make it difficult for projects with shorter construction lead time to obtain DAP funding.

Findings of Fact

1. The proposed DAP program, as modified and conditioned by this Final Decision, is reasonable and in the public interest.

Conclusions of Law

1. The Commission has authority to approve the proposed voluntary energy efficiency program, as modified and conditioned by this Final Decision, under Wis. Stat. §§ 196.02, 196.374, and 196.395, and Wis. Admin. Code § PSC 137.08.

Opinion

Wisconsin Admin. Code § PSC 137.08(4)(b) sets forth a list of factors the Commission must consider in reviewing a request to implement voluntary energy efficiency programs. The Commission has considered these factors and determines that We Energies' proposed DAP program is in the public interest. The program includes appropriate measures and supports a balance of services available to customers by ensuring We Energies' customer needs are met on new construction projects. The program can be efficiently evaluated through existing Focus evaluation procedures, in order to confirm the current projection that the program is likely to achieve cost-effectiveness. The program also sets a reasonable goal that its customers can receive DAP services even if Focus' statewide budget is fully spent.

Based on these findings, the Commission determines that it is reasonable to approve We Energies' request, subject to conditions addressing other factors that must be considered by the Commission. First, appropriate budgets for DAP are \$480,000 in 2019 and \$650,000 in

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2020, in part to recognize that the long lead times on DAP projects are likely to limit participation in 2019. Second, We Energies shall file a report for Commission approval documenting coordination arrangements with Focus, in order to address in detail the coordination associated with establishment of a new program model different from that of existing voluntary programs.

Order

1. We Energies' application for approval to implement a voluntary energy efficiency program for 2019-2020 is approved, as conditioned by this Final Decision.
2. Appropriate program budgets for DAP are \$480,000 in 2019 and \$650,000 in 2020.
3. We Energies shall file a report for Commission approval by December 1, 2018, documenting operational coordination and administrative coordination arrangements between We Energies and the Focus program administrator.
4. This Final Decision takes effect one day after the date of service.
5. Jurisdiction is retained.

Dated at Madison, Wisconsin, the 21st day of September, 2018.

By the Commission:

A handwritten signature in black ink, reading "Steffany Powell Coker". The signature is written in a cursive, flowing style.

Steffany Powell Coker
Secretary to the Commission

DL:01651270

See attached Notice of Rights

PUBLIC SERVICE COMMISSION OF WISCONSIN
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**NOTICE OF RIGHTS FOR REHEARING OR JUDICIAL REVIEW, THE
TIMES ALLOWED FOR EACH, AND THE IDENTIFICATION OF THE
PARTY TO BE NAMED AS RESPONDENT**

The following notice is served on you as part of the Commission's written decision. This general notice is for the purpose of ensuring compliance with Wis. Stat. § 227.48(2), and does not constitute a conclusion or admission that any particular party or person is necessarily aggrieved or that any particular decision or order is final or judicially reviewable.

PETITION FOR REHEARING

If this decision is an order following a contested case proceeding as defined in Wis. Stat. § 227.01(3), a person aggrieved by the decision has a right to petition the Commission for rehearing within 20 days of the date of service of this decision, as provided in Wis. Stat. § 227.49. The date of service is shown on the first page. If there is no date on the first page, the date of service is shown immediately above the signature line. The petition for rehearing must be filed with the Public Service Commission of Wisconsin and served on the parties. An appeal of this decision may also be taken directly to circuit court through the filing of a petition for judicial review. It is not necessary to first petition for rehearing.

PETITION FOR JUDICIAL REVIEW

A person aggrieved by this decision has a right to petition for judicial review as provided in Wis. Stat. § 227.53. In a contested case, the petition must be filed in circuit court and served upon the Public Service Commission of Wisconsin within 30 days of the date of service of this decision if there has been no petition for rehearing. If a timely petition for rehearing has been filed, the petition for judicial review must be filed within 30 days of the date of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition of the petition for rehearing by operation of law pursuant to Wis. Stat. § 227.49(5), whichever is sooner. If an *untimely* petition for rehearing is filed, the 30-day period to petition for judicial review commences the date the Commission serves its original decision.¹ The Public Service Commission of Wisconsin must be named as respondent in the petition for judicial review.

If this decision is an order denying rehearing, a person aggrieved who wishes to appeal must seek judicial review rather than rehearing. A second petition for rehearing is not permitted.

Revised: March 27, 2013

¹ See *Currier v. Wisconsin Dep't of Revenue*, 2006 WI App 12, 288 Wis. 2d 693, 709 N.W.2d 520.